

APPEAL NO. 032900
FILED DECEMBER 29, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 7, 2003. The hearing officer resolved the disputed issues by deciding that on June 9, 2003, the respondent (claimant) sustained a compensable injury to his left ankle, left knee, left upper extremity, left abdomen in the costal area, and the thoracic spine; and that the claimant had disability from June 10 through August 19, 2003. The appellant (carrier) appealed, contending that the hearing officer's determinations on the disputed issues are not supported by any credible evidence. No response was received from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10) and that he had disability as defined by Section 401.011(16). It is undisputed that the claimant was involved in a motor vehicle accident (MVA) while in the course and scope of his employment on June 9, 2003. The carrier contends that the claimant did not sustain any injury in that MVA, and thus did not have disability, or that if the claimant was injured in the MVA, it was a minor injury that would not cause disability. Conflicting evidence was presented at the CCH on the disputed issues of compensable injury, extent of injury, and disability. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations on the appealed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PRENTICE HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge